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C O N F I D E N T I A L BOGOTA 001047

SIPDIS

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TAGS: [PHUM](#) [PGOV](#) [KJUS](#) [CO](#)
SUBJECT: MARCH HUMAN RIGHTS UPDATE

REF: A. BOGOTA 803
[1](#)B. BOGOTA 896

Classified By: Political Counselor John Creamer
Reasons: 1.4 (b) and (d)

SUMMARY:

[1](#)1. (U) Bogota's Superior Court issued the first conviction of a participant under the Justice and Peace Law. Fliers calling for "social cleansing" have appeared in over 20 cities. The Supreme Court reopened the case of retired General Rito Alejo del Rio for alleged paramilitary collaboration in Uraba in 1995-97 based on testimony from former paramilitary leaders. Labor unions claim the Prosecutor General's (Fiscalia) record in investigating 185 priority cases is no better than that in ordinary cases. The Fiscalia returned the remains of 123 FARC and paramilitary victims to their families. Human rights groups reported forced displacement of Embera in Choco. The GOC accepted most recommendations at the UN Human Rights Council's review of its human rights record, but refused to halt its "rewards for information" and "soldier-for-a-day" programs. Defense Minister Santos apologized for the 1990 paramilitary killing of 43 peasants in Antioquia. The MOD clarified that military Inspector Generals' can initiate investigations of alleged human rights violations without the prior approval of the Joint or Service Chiefs. End Summary.

FIRST SENTENCE IN JPL PROCESS:

[1](#)2. (U) Bogota's Superior Court issued the first conviction of a Justice and Peace Law (JPL) participant in the four years of the JPL process. The Tribunal sentenced William Salazar ("El Loro") to 68 months in prison and a 28 million pesos fine (\$12,000) for murder and extortion. The crimes would carry a 38-year penalty outside the JPL process. The conviction came after the Prosecutor General's Office (Fiscalia) decision to allow JPL prosecutors to seek partial convictions. Previously, JPL prosecutors would not seek convictions until a participant had completed his entire JPL testimony -- significantly delaying the conviction process.

THREATENING PAMPHLETS SPREADING THROUGH COLOMBIA:

¶3. (U) Fliers calling for "social cleansing" -- targeting drug dealers and users, prostitutes, and criminals -- first began appearing in Medellin in mid-February. The fliers have now appeared in over 20 cities. The fliers have been signed in only two regions. In Sucre by "Juan Carlos Luna Correa," the presumed leader of the Aguilas Negras in Bolivar and Sucre, and in Barranquilla by "The Organization," a group unknown to Colombian authorities. President Uribe publicly offered a reward for information on the fliers, and urged citizens to tear them up. Colombian National Police (CNP) Commander General Naranjo promised protection to any individual directly threatened.

¶4. (U) Relatives of two men stabbed to death in Usme on March 19 claimed the victims' names appeared on fliers distributed in the area. However, CNP Usme Commander Colonel Luis Alvarez told the daily "El Espectador" the list only included aliases, not specific names. He said there is "no proof" the murders were linked to the fliers, and noted that neither victim had a prior criminal record.

MILITARY CRIMES REMAIN IN FISCALIA'S SIGHTS:

¶5. (U) The Fiscalía charged retired Major Julio Cesar Parga Rivas, former commander of the Gaula of Cordoba, with the murder of five civilians later reported as combat deaths in ¶2007. Parga was extradited to the United States on March 18.

Separately, the Supreme Court reopened the case of retired General Rito Alejo del Rio for his alleged collaboration with paramilitaries in the Uraba region of Antioquia from 1995-97.

In a decision which drew sharp criticism from Human Rights Watch and other groups, former Fiscal General Luis Camilo Osorio had closed with prejudice an earlier investigation of del Rio in July, 2001.

¶6. (C) Fiscalía Human Rights Unit director Sandra Castro said the Fiscalía recently decided that it could not extend a plea bargain offer to a former sergeant involved in the Soacha murders in exchange for testimony against his commanders. A recent Constitutional Court ruling effectively prohibited plea bargains in human rights cases. Castro said the Fiscalía will try to pursue cases against the Colonels involved, but added that it would be difficult without the sergeant's testimony. She told us the Soacha cases remain highly sensitive. Shortly after she informed the Army's HR Directorate Head, General Rodriguez, that she planned to file the charges in Soacha, she received calls from Vice President Santos and Fiscal Iguaran urging her to file the cases elsewhere, arguing it would be less inflammatory. She explained that given where the crimes occurred, Colombian law requires the cases to be filed there.

LABOR CONFEDERATIONS WANT PROGRESS FROM LABOR UNIT:

¶7. (U) Jose Luciano Sanin, Director of the National Labor School, said that while Colombia's three largest labor confederations agreed with the GOC on a list of 185 priority cases involving union members, they remain unhappy with the results. Sanin said that 109 of the 185 (58.91%) priority cases managed by the Fiscalía's Labor Sub-Unit remain mired in the preliminary stages of the justice process, a figure roughly equal to the number of non-priority cases currently in the same stage (59.23 %). Sanin highlighted other statistics: the Fiscalía has dropped almost four percent of the priority cases for procedural reasons, and only 17 percent (a much higher number than in the ordinary cases) of the priority cases have seen convictions. Sanin said the labor confederations consider the process to be ineffective, because the processing of priority cases has not moved any faster than that of ordinary cases.

FISCALIA RETURNS THE BODIES OF 123 VICTIMS:

¶8. (U) The Fiscalía returned the bodies of 123 FARC and paramilitary victims to their families on March 27. The

victims, some of whom disappeared as early as 1995, were found in multiple mass graves. Eight of the victims were children. Prosecutor General Iguaran said that as many as 22,000 additional victims in 4,000 mass graves may remain. To date, the Fiscalía has been able to return the bodies of 503 victims due to confessions from demobilized FARC and paramilitaries -- many of which occurred in the Justice and Peace Law process.

FORCED DISPLACEMENT OF INDIGENOUS PEOPLE:

¶9. (U) Human Rights groups reported that Los Rastrojos -- a drug-trafficking group which includes some ex-paramilitaries -- forced at least 420 Embera indigenous from their homes in Choco in March. Accion Social, the Colombian Red Cross, and Bienestar Familiar personnel assisted the victims. Community leader Norberto Guacori said one Embera man was shot in front of his family and one woman raped in the incident. Los Rastrojos and the ELN's Cimarron Block have been fighting over lucrative drug routes in the area.

UN ADOPTS UNIVERSAL PERIODIC REVIEW:

¶10. (U) The UN Human Rights Council adopted on 20 March the results of the UN Universal Periodic Review process on Colombia. The GOC voluntarily accepted over 50 recommendations proposed by the countries participating in the review, but refused the Council's recommendation that it eliminate its "rewards for information" program. The GOC

said the rewards program has greatly weakened illegal armed groups, and has helped resolve numerous kidnappings. Human rights groups contend that the GOC's incentive program has contributed to extrajudicial killings, but the Defense Ministry and the Fiscalía discount this (Ref A). The GOC also refused to introduce the concept of conscientious objector or to eliminate its "soldier-for-a-day" program.

GOC APOLOGIZES FOR 1990 KILLINGS:

¶11. (U) Defense Minister Juan Manuel Santos hosted a public event at the Ministry's headquarters on March 5 to accept responsibility and apologize for the paramilitary killings of 43 peasants in Pueblo Bello, Uraba (Antioquia), on January 14, 1990. The Inter-American Commission on Human Rights (IACHR) ordered the public apology as part of symbolic reparations, noting the GOC did nothing to protect the population of Pueblo Bello against paramilitary attack.

MOD INCREASES INSPECTOR GENERAL AUTHORITY:

¶12. (SBU) The MOD has clarified that in addition to the Armed Forces and Service Commanders, the different military Inspector Generals (IGs) also have the authority to initiate investigations of human rights violations on their own initiative (Ref B). Defense Minister Santos created Immediate Inspection Commissions (CIIs) -- modeled on the Suarez's Commission -- as part of his fifteen measures to improve the Armed Forces Human Rights record. The CII's are housed in the Armed Forces and respective services IGs but report directly to Minister Santos through Armed Forces Commander, General Fredy Padilla. We have offered training to strengthen the Army IG's investigative capacity.

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